

Senate Bill No. 650

CHAPTER 442

An act to amend Section 104322 of the Health and Safety Code, relating to prostate cancer, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 2005. Filed with
Secretary of State September 30, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 650, Ortiz. Prostate cancer: Improving Access, Counseling, and Treatment for Californians with Prostate Cancer (IMPACT) Program.

Existing law requires the State Department of Health Services to develop, expand, and ensure a program to provide, through contracts, quality prostate cancer treatment services to low-income uninsured and underinsured men. Pursuant to this requirement, the department has established the Improving Access, Counseling, and Treatment for Californians with Prostate Cancer (IMPACT) Program.

This bill would, instead, require the department to develop and implement a program to provide quality prostate cancer treatment for low-income and uninsured men. It would also impose various requirements upon the program, including prescribed contract requirements.

This bill would require, contingent upon the timely receipt of program data from contractors, the department to report to specified legislative committees, by July 1, 2006, its evaluation of the IMPACT Program. The bill would appropriate \$2,404,000 from the General Fund to the department for purposes of prostate cancer treatment services under the program.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 104322 of the Health and Safety Code is amended to read:

104322. (a) (1) The State Department of Health Services shall develop and implement a program to provide quality prostate cancer treatment for low-income and uninsured men.

(2) The department shall award one or more contracts to provide prostate cancer treatment through private or public nonprofit organizations, including, but not limited to, community-based

organizations, local health care providers, the University of California medical centers, and the Charles R. Drew University of Medicine and Science, an affiliate of the David Geffen School of Medicine at the University of California at Los Angeles. Contracts awarded, subsequent to the effective date of the amendments to this section made during the 2005 portion of the 2005-06 Regular Session, pursuant to this paragraph shall be consistent with both of the following:

(A) Eighty-seven percent of the total contract funding shall be used for direct patient care.

(B) No less than 70 percent of the total contract funding shall be expended on direct patient care treatment costs, which shall be defined as funding to fee-for-service providers for Medi-Cal eligible services.

(3) The contracts described in paragraph (2) shall not be subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code. Commencing July 1, 2006, those contracts shall be entered into on a competitive bid basis.

(4) It is the intent of the Legislature to support the prostate cancer treatment program provided for pursuant to this section, and that the program be cost-effective and maximize the number of men served for the amount of funds appropriated. It is further the intent of the Legislature to ensure that the program has an adequate health care provider network to facilitate reasonable access to treatment.

(b) Treatment provided under this chapter shall be provided to uninsured and underinsured men with incomes at or below 200 percent of the federal poverty level. Covered services shall be limited to prostate cancer treatment and prostate cancer-related services. Eligible men shall be enrolled in a 12-month treatment regimen.

(c) The department shall contract for prostate cancer treatment services only at the level of funding budgeted from state and other sources during a fiscal year in which the Legislature has appropriated funds to the department for this purpose.

(d) Notwithstanding subdivision (a) of Section 2.00 of the Budget Act of 2003 and any other provision of law, commencing with the 2003-04 fiscal year and for each fiscal year thereafter, any amount appropriated to the department for the prostate cancer treatment program implemented pursuant to this chapter shall be made available, for purposes of that program, for encumbrance for one fiscal year beyond the year of appropriation and for expenditure for two fiscal years beyond the year of encumbrance.

SEC. 2. (a) The State Department of Health Services shall report to the Joint Legislative Budget Committee and the Legislature's fiscal and policy committees by July 1, 2006, its evaluation of the Improving Access, Counseling, and Treatment for Californians with Prostate Cancer (IMPACT) Program funded by the department in the 2004-05 and preceding fiscal years. This report shall include an overall evaluation of the program and service delivery model. The report shall include, but not be limited to, the following:

- (1) The number of patients receiving treatment through the program.
 - (2) Demographic information about the patients in the program, including race/ethnicity, income, and age.
 - (3) The cost per patient receiving treatment through the program.
 - (4) The types of treatment services and other services that patients received.
 - (5) The number of employees and contractors within the department funded through the program.
 - (6) The number of employees and contractors that are employed by or contracting with the University of California that are funded through the program, including the amount of funding allocated for direct patient care, indirect patient care, and administrative functions.
- (b) Subdivision (a) shall be contingent upon the timely submission by the program contractors of the needed data as outlined in the 2004-05 IMPACT Program contract.

SEC. 3. The sum of two million four hundred four thousand dollars (\$2,404,000) is hereby appropriated from the General Fund to the State Department of Health Services, for the 2005-06 fiscal year, for purposes of prostate cancer treatment services pursuant to Section 104322 of the Health and Safety Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for men diagnosed with prostate cancer currently on the IMPACT program waiting list for prostate cancer treatment services to receive these services, it is necessary that this act go into immediate effect.